

REMARKS

In the most recent Office Action, the Examiner has interpreted the patent to Malik as disclosing “loops” in the form of cylindrical sockets that closely receive the shoe retaining bars. The Examiner has taken the position that these “loops” have open spaces beneath the loops and above the support arms, and that the “loops” are capable of functioning to provide a lateral barrier against shoes sliding off of the shoe retaining bars.

First of all, it is respectfully submitted that this interpretation of the Malik patent is overly expansive of what the patent actually teaches. As is plainly evident from Fig. 1, there is no “open space” provided by any of the sockets when the bars are fitted in them. The sockets that face outwardly cannot possibly serve any “barrier” function, as the vertical portions or flanges of the arms that extend upwardly above the horizontal portions of the arm would be the only thing that could serve as a barrier.

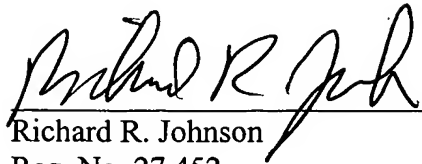
In any event, claim 1 has now been amended to call for the loops as being offset from the joints between the shoe retaining bars and the side frame members. In the case of the Malik patent, the joints are the sockets which are the only things the Examiner has cited as being “loops”. However, these “loops” are coincident with and actually the same thing as the sockets, so the “loops” are not offset from the joints under any interpretation of the Malik patent.

For these reasons, it is clear that claim 1 as now amended is patentably distinguished from the Malik patent and all other known prior art. Accordingly, it is respectfully submitted that this application is in condition to be allowed, and a formal Notice of Allowance is requested in due course. If the Examiner believes that a telephone conference will in any way expedite the resolution of any issues that remain in the case, she is invited to call the number listed below at her convenience.

Respectfully submitted,

Date: _____

8-26-05

A handwritten signature in dark ink, appearing to read "Richard R. Johnson", written over a horizontal line.

Richard R. Johnson

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